

**DURHAM, NORTH CAROLINA  
FRIDAY, JUNE 1, 2007  
11:00 A.M.**

**Pursuant** to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order.

**SUBJECT: THIRD PARTY INVESTIGATION OF THE DUKE LACROSSE  
CASE**

At a meeting of the City Council on May 21, 2007, Mayor Bell recommended that the council establish a committee to perform an independent review of the conduct of the Durham Police Department regarding the Duke Lacrosse case.

Mayor Bell provided the following memo to the council:

**Memo To: Durham City Council**

**From: William V. "Bill" Bell, Mayor**

**Subject: Durham City Council Third Party Duke Lacrosse Investigative Committee**

**Attachment: Resume of Attorney Willis P. Whichard**

**Date: May 30, 2007**

**Suggested Committee Charge:** The committee is charged with performing an independent review of the conduct of the Durham Police Department and the Durham County District Attorney's action (in as much as it possibly can include the DA's actions) in the prosecution of charges of rape and other offenses brought against three Duke Lacrosse players. It is to review documents, interview or take testimony from participants on both sides of the prosecution, and perform such other tasks as it deems necessary or appropriate. In due course, as expeditiously as feasible but without the restrictive constraints of arbitrary deadlines, it shall present to the City Council a report of its findings and conclusions.

The purpose is, insofar as possible, to ascertain and report the truth about these now terminated prosecutions; and, if unconstitutional or otherwise improper procedures were followed, to assist the Department in avoiding similar improprieties in the future. The

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sole objective is a properly functioning justice system: one that discovers and appropriately punishes the perpetrators of anti-social conduct that our lawmakers have defined as criminal, but that does so in a manner best calculated to produce reliable results and within the procedural boundaries established by our democratic constitutional system.

**Suggested Committee Size:** The committee shall be comprised of: 9 – 12 members including the committee chairperson. The members shall reflect diversity by race and gender as equally as possible. None of the members should have had any relation or association with any former or existing members of the Duke Lacrosse team, the accuser, witnesses or have any ties to Duke University or NCCU which may be perceived by the Durham City Council as prohibiting them from making a fair, objective and impartial investigation.

The committee shall establish its own rules and procedures for operations. All committee meetings shall follow the open meetings policy of the Durham City Council.

**Suggested categories of members:** The committee shall be divided as equally as possible among the three categories of representatives as follows:

1. 3 - 4 Law enforcement officials (i.e. Policemen, District Attorney, etc.)
2. 3 – 4 Criminal Defense Attorneys.
3. 3 – 4 Community Persons

**Suggested Chairperson of the committee:** Attorney Willis P. Whichard

**Latest Suggested date for having the committee appointed and the holding of its first meeting:** Week of June 18, 2007.

**Suggested time for the committee to complete its investigation:** 30 – 60 days from the date of its first official meeting.

**Suggested Budget:** A budget proposal shall be prepared by the committee and presented to the Durham City Council within two weeks of its first meeting. The Durham City Council shall make the final budget determination within two weeks after having been presented the proposed budget.

Staff support for the committee shall be provided by The Durham City Government from the offices of the city manager, city attorney and city clerk as appropriately determined by the city council as a result of recommendations from the committee or else suggested by the committee or the Durham City Council. In any event the Durham City Council reserves the final right to determine how the staff support shall be provided to the committee.

Also, the council was provided a list from N. C. Attorney General Roy Cooper and State Bureau of Investigation Director Robin Pendergraft of potential individuals who could also serve on the committee:

- Darrel Stephens – Charlotte-Mecklenburg Police Department
- Tom Bergamine – Fayetteville Police Department

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- William Anderson – Greenville Police Department
- Jim Fealy – High Point Police Department
- Kent Sholar – Raleigh Police Department
- John Manley – Rocky Mount Police Department
- Pat Norris – Winston Salem Police Department
- Gregg Jarvies – Former Chief Chapel Hill Police Department

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the following persons as outlined below to serve on the Duke Lacrosse Investigative Committee was approved at 11:35 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

(1) Attorney Willis P. Whichard-Chairperson, (2) Chief Darrel Stephens, (3) Chief Jim Fealy, (4) Chief Pat Norris, and (5) Former Chief Gregg Jarvies

A motion was made by Council Member Brown seconded by Mayor Pro Tempore Cole-McFadden to establish a 12 member committee as outlined in the Mayor's proposal with each council member submitting a name for the remaining seven appointees.

A substitute motion was made by Council Member Catotti to limit the committee to 9 members. Motion dies due to the lack of a second.

**MOTION** by Council Member Brown seconded by Mayor Pro Tempore Cole-McFadden to establish a 12 member committee as outlined in the Mayor's proposal with each council member submitting a name for the remaining seven appointees was approved at 11:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

It was suggested that the remaining appointments be made by Friday, June 8, 2007.

There being no further business to come before the council, the meeting was adjourned at 11: 55 a.m.

D. Ann Gray, CMC  
City Clerk